

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

2 EMUI L. CHOI (WVSBN 0722)  
3 Chief, Criminal Division

4 SUSAN KNIGHT (CSBN 209013)  
5 Assistant United States Attorney

6 150 Almaden Blvd., Suite 900  
7 San Jose, California 95113  
Telephone: (408) 535-5056  
FAX: (408) 535-5066  
Susan.Knight@usdoj.gov

\*E-FILED - 6/1/05\*

8 Attorneys for Plaintiff

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1	UNITED STATES OF AMERICA,	)	No. CR 05-00288 RMW
2	Plaintiff,	)	
3	v.	)	[PROPOSED] ORDER EXCLUDING TIME
4		)	FROM THE SPEEDY TRIAL ACT
5	MARIO PONCE,	)	CALCULATION (18 U.S.C. §§ 3161(h)(8)(A)
6	Defendant.	)	& 3161(h)(8)(B)(iv))

---

On May 16, 2005, the parties appeared before the Court for an initial appearance. At the hearing, Assistant United States Attorney Susan Knight explained that the government recently provided discovery to Assistant Federal Public Defender Lara Vinnard, and that she needed time to review it. Therefore, the parties jointly requested that the case be continued until June 13, 2005 in order for AFPD Vinnard to review the discovery and discuss the government's case with the defendant. In addition, the parties stipulated and agreed that an exclusion under Speedy Trial Act from May 16, 2005 until June 13, 2005 was appropriate based on the defendant's need for effective preparation of counsel.

SO STIPULATED.

KEVIN V. RYAN  
United States Attorney

DATED: \_\_\_\_\_

/s/  
SUSAN KNIGHT  
Assistant United States Attorney

DATED: \_\_\_\_\_

/s/  
LARA VENNARD  
Assistant Federal Public Defender

Accordingly, the Court HEREBY ORDERS that a status hearing be scheduled for June 13, 2005 at 9:00 a.m.

The Court FURTHER ORDERS that the time between May 16, 2005 and June 20, 2005 is excluded under the Speedy Trial Act. The Court finds that the failure to grant the requested continuance would deny the defendant effective preparation of counsel. The Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the

[PROPOSED] ORDER TO EXCLUDE TIME  
CR 05-00288 RMW

1 public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The  
2 Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§  
3 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

4 IT IS SO ORDERED.

5  
6 6/1/05

Dated

/S/ RONALD M. WHYTE

7 RONALD M. WHYTE  
United States District Judge